

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

VENEZUELA US SRL,

Petitioner,

v.

BOLIVARIAN REPUBLIC OF VENEZUELA,

Respondent.

Civil Action No. 22-cv-3822

**DECLARATION OF ELOY G. BARBARÁ DE PARRES**

ELOY G. BARBARÁ DE PARRES declares as follows:

1. I am a partner of the firm of Curtis, Mallet-Prevost, Colt & Mosle LLP (“Curtis”).
2. I submit this declaration in support of Defendant Bolivarian Republic of Venezuela’s (“the “Republic”) Opposition to Plaintiff Venezuela US SRL’s (VUS) *Petition to Recognize and Enforce a Foreign Arbitral Award*, filed concurrently herewith.
3. On March 22, 2013, VUS filed a notice of arbitration against the Republic before the Permanent Court of Arbitration (PCA) in The Hague, Netherlands, and the Republic retained Curtis to represent it in that arbitration. I was counsel for the Republic in those arbitration proceedings.
4. The arbitration was divided into three phases: jurisdiction, liability and quantum. In March 2014, after submitting their respective statement of claim and statement of defense, the parties agreed to address the Republic’s initial objection to jurisdiction. Following briefing, the tribunal conducted a hearing in July 2014, and ultimately dismissed the Republic’s initial jurisdictional objection in an Interim Award dated July 26, 2016.

5. The parties proceeded to briefing on the Republic's remaining jurisdictional objections and the merits on liability. Following a two-day hearing in November 2017, the parties filed their respective submissions on costs for the jurisdiction and liability phases of the proceedings in February 2018. At that point, the arbitral proceedings remained inactive while the Tribunal deliberated on matters of jurisdiction and liability.

6. On May 20, 2018, while the tribunal's decision on jurisdiction and liability was pending, then-president of the Republic Nicolás Maduro claimed victory in a highly disputed election that was widely reported in the media. Attached as Exhibit A is a true and correct copy of an article describing the "international condemnation and allegations of vote buying and electoral fraud" surrounding the election, *available at* <https://www.theguardian.com/world/2018/may/21/venezuela-elections-nicolas-maduro-wins-second-term>.

7. On January 23, 2019, the Venezuelan National Assembly declared its president, Juan Guaidó, as the Interim President of the Republic pursuant to Article 233 of the Venezuelan Constitution. That same day, the U.S. President recognized the National Assembly, which the United States deemed to be the only duly elected institution remaining in Venezuela, and its leadership (the "Interim Government") as the only legitimate government of Venezuela and derecognized the Maduro regime. Attached as Exhibit B is a true and correct copy of the *Statement from President Donald J. Trump Recognizing Venezuelan National Assembly President Juan Guaido as the Interim President of Venezuela*, dated January 23, 2019, *available at* <https://ec.usembassy.gov/statement-from-president-donald-j-trump-recognizing-venezuelan-national-assembly-president-juan-guaido-as-the-interim-president-of-venezuela/>. Attached as Exhibit C is a true and correct copy of the Press Statement by the United States Department of State dated January 23, 2019, titled *Recognition of Juan Guaido as Venezuela's Interim*

*President*, stating: “The United States recognizes Juan Guaido as the new interim President of Venezuela,” *available at* <https://2017-2021.state.gov/recognition-of-juan-guaido-as-venezuelas-interim-president/>.

8. As the political situation in Venezuela continued to unfold, on February 17, 2020, the PCA advised the parties that VUS had changed its counsel as of February 15, 2020. The PCA invited VUS to provide the Republic with a copy of the relevant power of attorney or letter of representation. From that moment on, to the best of my recollection, Curtis (and to the best of my knowledge, the Interim Government) did not receive any further communications from either the PCA or VUS. I have recently conducted a review of the entire file on this matter in our system, and I could not locate any such further communication

9. On February 5, 2021, the tribunal issued a Partial Award on Jurisdiction and Liability (the “Partial Award”). The Partial Award revealed that, unbeknownst to Curtis, and to the best of my knowledge, to the Interim Government, the Maduro regime had purportedly appointed new counsel for the Republic in the arbitral proceedings. Specifically, Paragraph 2 of the Partial Award states that the Republic had been represented by Curtis until June 30, 2020, at which point the representation of the Republic supposedly shifted to Guglielmino & Asociados S.A. (“Guglielmino”). I understand that Guglielmino was purporting to represent the Republic under the Maduro regime.

10. To the best of my recollection, Curtis (and to the best of my knowledge, the Interim Government) did not receive notice of this purported replacement from the PCA or VUS’s counsel. In fact, I do not recall having learnt of this change until the Partial Award was made public by Global Arbitration Review (“GAR”) in February 2021 shortly after the award

was issued. As I indicated above, I recently conducted a review of the entire file on this matter, and I could not locate any such notice.

11. I understand that the Maduro regime, through Guglielmino, continued to act purportedly on behalf of the Republic for the remaining quantum phase of the proceedings. The Maduro regime and VUS submitted their memorials as to quantum between April and October 2021, culminating in a two-day hearing in February 2022. Curtis (and to the best of my knowledge, the Interim Government) did not have any involvement in the proceedings after February 2020.

12. It is my understanding that as of today, the U.S. Executive continues to recognize the Interim Government as the only legitimate government of Venezuela. Attached as Exhibit D is a true and correct copy of a Press Statement by the United States Department of State dated January 3, 2023, stating that “[t]he United States continues to recognize the democratically elected 2015 National Assembly as the last remaining democratic institution in Venezuela,” *available at* <https://www.state.gov/venezuelas-interim-government-and-the-2015-national-assembly/>. In accordance with the United States’ recognition policy, Curtis continues to represent the Republic only at the instruction of the Interim Government.

I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct.

Executed on December 8, 2023.



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Eloy G. Barbará de Parres